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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/495,223	01/31/00	CHAN	Y 5402

MM92/0522
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Suite 3300
Boston MA 02110

EXAMINER

PERKEY, W

ART UNIT	PAPER NUMBER
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2851

DATE MAILED:

3
05/22/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/495,223

Applicant(s)

CHAN, YET

Examiner

William B. Perkey

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23 and 33-42 is/are allowed.
- 6) ☒ Claim(s) 24-32, 43 and 45-49 is/are rejected.
- 7) ☒ Claim(s) 44 is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 24, 43,45 are rejected under 35 U.S.C. 102(b) as being anticipated by Kidawara et al. (U.S. Patent No. 4,524,920).

Element 3 is a spoolless container and 4 is a container with a film spool. Elements 11 and 14 are removable end caps.

3. Claims 25 and 27-32 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Zander (U.S. Patent No. 5,296,887).

Claim Rejections - 35 USC § 103

4. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zander (U.S. Patent No. 5,296,887) in view of Stiehler (U.S. Patent No. 5,619,298).

Zander does not disclose an aperture for insertion of a film winding tool. Stiehler shows a camera using a film cassette of the type used by Zander. Stiehler teaches inserting a film winding tool through an aperture of the cassette to engage the spool. Thus, the aperture of the Zander cassette which allows access to the drive spool is an aperture for for insertion of a film winding tool as suggested by Stiehler.

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5. Claims 45-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kidawara et al. (U.S. Patent No. 4,524,920) and Official Notice.

Official Notice is taken that features such as velvet lined film slots, air-tight packages for film cartridges and containers, and canisters for film assemblies were notoriously well known at the time of applicants invention and is not a patentable limitation. See MPEP 2144.03.

Allowable Subject Matter

6. Claims 1-23 and 33-42 are allowed.

7. Claim 44 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Telephone Numbers

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William B. Perkey whose telephone number is (703) 308-1708. The examiner can normally be reached on Monday-Thursday 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3432 for regular communications and (703) 305-7723 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

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A handwritten signature in black ink, appearing to read "W B Perkey", with a long, sweeping horizontal stroke extending to the right.

William B. Perkey
Primary Examiner
Art Unit 2851

WBP:wbp
May 16, 2001